

LABEL, IN PART: "Frozen Fresh Shrimp Lodrigues Brothers Seafoods New Orleans, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1947. The Pelican Oyster & Fish Co., New Orleans, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured, under the supervision of the Federal Security Agency.

11921. Misbranding of canned shrimp. U. S. v. 5 Cases * * *. (F. D. C. No. 21627. Sample No. 64227-H.)

LIBEL FILED: November 13, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 5, 1946, from New Orleans, La., by L. Lopez Sons.

PRODUCT: 5 cases, each containing 48 cans, of shrimp at Newburgh, N. Y.

LABEL, IN PART: (Cans) "Lopez Brand Drained Weight 7 Oz. Wet Pack Large Shrimp."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.) Further misbranding, Section 403 (h) (2), the article purported to be and was represented as canned wet pack shrimp, a food for which a standard of fill of container had been prescribed by the regulations, and it fell below such standard since the containers of the article were not so filled that the cut-out weight of shrimp taken from each can was not less than 64 percent of the water capacity of the container; and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: December 18, 1946. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

11922. Adulteration of canned blackberries. U. S. v. 115 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21654, 21711. Sample Nos. 62302-H, 62303-H.)

LIBELS FILED: November 15 and 20, 1946, Western and Southern Districts of New York.

ALLEGED SHIPMENT: On or about September 19, 1946, by Charles L. Diven, from Portland, Oreg.

PRODUCT: Canned blackberries. 115 cases at New York City and 328 cases at Buffalo, N. Y. Each case contained 6 6-pound, 7-ounce cans, of the product.

LABEL, IN PART: "Varick Blackberries in Water Francis H. Leggett & Co. Distributors New York, N. Y.," or "Cream of the Valley Blackberries in Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blackberries.

DISPOSITION: March 4 and April 28, 1947. No claimant having appeared for either lot, judgments of condemnation were entered and the product was ordered destroyed.

11923. Adulteration of canned blueberries. U. S. v. 1,068 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21655, 22165. Sample Nos. 43071-H, 90726-H.)

LIBELS FILED: November 19, 1946, and January 9, 1947, District of Columbia.

ALLEGED SHIPMENT: On or about September 21 and 24, 1946, by the Sea-Land Frosted Foods Corp., from Webster, N. Y.

PRODUCT: 1,068 cases and 1,220 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Washington, D. C.

*See also Nos. 11853, 11854.

LABEL, IN PART: "Sea-Land Selected Blueberries With Sugar Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blueberries.

DISPOSITION: March 10, 1947. The Sea-Land Frosted Foods Corp., claimant, having failed to file an answer to the libels, judgments of condemnation were entered and the product was ordered disposed of by delivery to a public institution, for use as animal feed.

11924. Adulteration of canned cherries and misbranding of canned apricots. U. S. v. Colorado Mountain Food Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 22002. Sample Nos. 51865-H, 72526-H.)

INFORMATION FILED: April 1, 1947, District of Colorado, against the Colorado Mountain Food Co., a partnership, Grand Junction, Colo.

ALLEGED SHIPMENT: On or about August 14 and September 4, 1946, from the State of Colorado into the States of Minnesota and Oklahoma.

LABEL, IN PART: "Mellhorn Brand Choice Rocky Mountain Whole Unpeeled Apricots In Heavy Syrup," or "Mellhorn Brand Choice Rocky Mountain Dark Sweet Cherries In Medium Syrup."

NATURE OF CHARGE: Canned cherries. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of whole insects, insect parts, and a worm skin fragment.

Canned apricots. Misbranding, Section 403 (g) (2), the label of the article failed to bear the name of the optional packing medium. The label bore the statement "In Heavy Syrup," and the article was packed in sirup designated as light sirup in the definition and standard for canned apricots.

DISPOSITION: April 21, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

11925. Adulteration of canned plums and frozen cherries. U. S. v. Verland V. Erntson. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 21560. Sample Nos. 7991-H, 19441-H.)

LIBEL FILED: February 7, 1947, District of Oregon, against Verland V. Erntson, Albany, Oreg.

ALLEGED SHIPMENT: On or about July 19 and October 11, 1945, from the State of Oregon into the States of New Jersey and Minnesota.

LABEL, IN PART: "Light Cherries Packed in Syrup By Associated Frozen Food Packers Inc. Seattle Wash," or "Purple Plums In Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the frozen cherries consisted in part of a filthy substance by reason of the presence of maggots, and the canned plums consisted in part of a decomposed substance by reason of the presence of decomposed prune material.

DISPOSITION: April 3, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

11926. Misbranding of canned cherries. U. S. v. 32 Cases * * *. (F. D. C. No. 21837. Sample No. 48156-H.)

LIBEL FILED: December 6, 1946, District of Utah.

ALLEGED SHIPMENT: On or about October 12, 1946, by Chas. P. Wagner Bros., from New Orleans, La.

PRODUCT: 32 cases, each containing 24 9½-ounce bottles, of cherries at Provo, Utah. Examination showed that the product was short-weight.

LABEL, IN PART: "Helen Ann Cherries in Heavy Syrup Net Weight 9½ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 1, 1947. Default decree ordering product delivered to charitable institutions.

11927. Adulteration of canned peaches. U. S. v. Spartanburg Cooperative Cannery, Inc. Plea of nolo contendere. Fine, \$5. (F. D. C. No. 22051. Sample Nos. 54589-H, 54590-H.)

INFORMATION FILED: April 18, 1947, Western District of South Carolina, against the Spartanburg Cooperative Cannery, Inc., Spartanburg, S. C.